

1 someone needed to stand up from administration and tell
2 the Board their position. Someone -- a Superintendent
3 should stand up and state, you know, I think this is
4 okay. I don't think this is okay, that kind of thing.
5 I support the teachers in this, something like that.

6 And at that meeting, we were looking for that
7 recognition, that he supported us. I do remember at one
8 point they asked him, and I believe he deferred to Mr.
9 Baksa to speak on the issue.

10 And then when asked which version -- A, B or C --
11 basically, he said basically what is on here, the
12 administration and staff recommend these changes. So we
13 were disappointed in that we wanted more of I think this
14 or I support the teachers, you know what I mean,
15 something like that.

16 I remember looking for that recognition and
17 feeling disappointed at what we got.

18 Q. When you say administration and staff, Jen, are you
19 referencing the XI-C in other words?

20 A. Right or B. Like I said, we told him at that meeting we
21 would like B.

22 Q. You see what I am getting at there? Did you have a
23 sense for whether Mr. Baksa's comment related
24 specifically to XI-B to XI-C?

25 A. When you say Mr. Baksa's comment, his comment about

1 what?

2 Q. In other words, the Board questions Nilsen. Nilsen
3 defers to Baksa do you support this. You have a
4 recollection of Mr. Baksa saying we are for the
5 administration and staff version.

6 Before the Board at that time are two
7 administration and staff versions.

8 A. Right.

9 Q. Was there one that was subject to discussion at that
10 particular point in the Board meeting?

11 A. I would think so, yes. And I don't remember which one
12 they were on at that point.

13 Q. But you do know that at least you had a discussion about
14 the note reflected in XI-C with Dr. Nilsen prior to this
15 meeting?

16 A. Yes.

17 Q. How about Mike Baksa, did you and Mike sit down and talk
18 about these same issues in the period between
19 October 8th and October 18th?

20 A. I think that was the e-mails going back and forth --
21 here is a version, what do you think, that kind of
22 thing.

23 Q. You do recall some communication?

24 A. There was a lot of things going back and forth. Do you
25 approve this? I don't remember if this particular one

1 was there or not. That, I don't remember.

2 Q. All right. So after October 18th, what did you see,
3 Jen, as the next step?

4 MR. GILLEN: Off the record.

5 (An off-the-record discussion was had.)

6 AFTER RECESS

7 BY MR. GILLEN:

8 Q. Jen, if you would look at Miller 3, you will see minutes
9 for the November 1st, 2004 Board meeting.

10 A. Yes.

11 Q. Before we get to those, I would just like to ask you if
12 you look -- I want to focus your attention on the events
13 between the October 18th, 2004 Board meeting which voted
14 in the curriculum change and then this November 1st,
15 2004 Board meeting.

16 Can you recall events from that period bearing on
17 the curriculum change, what was next in this story?

18 A. At some point in there, we had told administration --
19 again, I think Mr. Baksa was in on that discussion that
20 at this point, we want specific direction as to if this
21 is going to be in our curriculum, what are we to say.
22 What exactly word for word are we going to say

23 Q. With that in mind, Jen, I would like for you to look at
24 Miller 5 and this document. I believe you will find --
25 it looks like it is an e-mail from Bert Spahr. It has

1 got a handwritten notation 10/28/04 at the top.

2 A. There, it is. Yes.

3 Q. Does that look familiar to you?

4 A. Yes.

5 Q. That has got a handwritten notation 10/28/04. That
6 would be ten days after the Board meeting. Do you
7 recall any events between October 18th and October 28th?

8 A. No.

9 Q. Do you think that this e-mail, which is a statement, a
10 District note on the teaching of Evolution to be read to
11 all biology classes, is that the next development in the
12 story?

13 A. Yes.

14 Q. Did you mark this document up, Jen?

15 A. Yes.

16 Q. Tell me sort of how you got it and what you understood
17 its purpose to be?

18 A. It was again from our request, that we would like
19 specific directions as to what we are going to say. It
20 was given to us to look over -- to be as it says at the
21 top, to be read to all biology classes.

22 Q. Okay. There's some handwritten notations there which
23 you have indicated are yours; right?

24 A. Yes.

25 Q. Tell me what you were getting at with those notations.

1 A. We had gotten this. When I originally got this to look
2 over, I believe our original instinct was to do nothing
3 with it. Again, we wanted directions as to what we were
4 to say after discussing it with one of our Union
5 meetings. Tom Scott was there. We discussed it with
6 him. We showed him this.

7 Q. Don't tell me what Tom Scott --

8 A. Right, right. It was basically decided that we were
9 being asked by administration to change this, to look
10 over it, to make changes, that type of thing. So
11 basically you could change it for any science
12 inaccuracies. If there's errors in the science, that we
13 could change those.

14 Q. Do you know who generated this document that you in turn
15 marked up?

16 A. Mr. Baksa.

17 Q. And did you speak with Mr. Baksa about his draft or the
18 purpose of his draft?

19 A. Through e-mails, yes. I mean it says at the top, it is
20 to be read. Again, we wanted direction. If this
21 Intelligent Design is going to be in our classroom, we
22 wanted direction as to what we were to say.

23 This was our understanding of what we were to say.

24 Q. And you marked it up, Jen. Tell me why.

25 A. At the bottom are some of my changes. Let's see here.

1 I wanted the -- I added the definition of a theory. I
2 thought a scientific theory, the definition of what a
3 scientific theory should be in there. I added that.
4 Again, that was more of the science of it.

5 You can see I rewrote some of the things. I
6 didn't change too much.

7 The other thing that I believe -- here where it
8 says individuals may subscribe to other theories of
9 Evolution including Intelligent Design, I again reworded
10 that because I didn't believe that Intelligent Design is
11 a theory of Evolution. To me, it is counter to
12 evolution so it can't therefore be a theory of
13 Evolution.

14 Most of the other stuff I believe I left as is. I
15 may have switched it from one paragraph to the next, but
16 I left it pretty much.

17 Q. If you look at the paragraph that is at the bottom of
18 the page?

19 A. Mine or the typewritten?

20 Q. Good question. The paragraph at the bottom with the two
21 circled.

22 A. Okay.

23 Q. Read that. What were you getting at there, Jen?

24 A. I believe -- I mean if you look at where the two is
25 circled up above in the typewritten, I think that I just

1 took what was in number one there. At the very end, it
2 says including Intelligent Design which accounts for the
3 origin of species with an explanation different than
4 Darwin's.

5 I believe that I just took that and moved it down
6 to the second one where I have Intelligent Design is an
7 explanation of the origin of life that differs from
8 Darwin's view.

9 So I basically took the word theory out of
10 Intelligent Design and put view instead of theory.
11 Otherwise, that text isn't much different from what was
12 written.

13 Q. How about the reference there to origin of life?

14 A. Again as I said before, Intelligent Design -- reading
15 the *Of Pandas and People* is an explanation of the origin
16 of life.

17 Q. And by that, Jen, do you mean that it was addressing
18 aspects of biological theory that you did not address in
19 your classroom presentation or what? I am trying to see
20 what you were getting at there.

21 A. Well, I guess so. Because in his definition, he has
22 which accounts for the origin of species. We had tried
23 to differentiate between the origin of species and the
24 origin of life.

25 I was using my science background to say that

1 Intelligent Design isn't necessarily a theory -- a view
2 on the origin of species. It is more on the origin of
3 life.

4 Q. When you suggested that change, did you give any
5 consideration to the way in which that might relate to
6 the curriculum change that had been voted on by the
7 Board?

8 A. Like what; in what ways?

9 Q. You know, it seems like these terms have been sort of
10 bandied about, used by you in a more technical sense,
11 used by others in sort of a vaguer sense.

12 The curriculum change says that origins of life
13 will not be taught. And this change says Intelligent
14 Design is an explanation of the origin of life.

15 Were you -- I mean it is plain or it seems to --
16 do I understand you correctly you understood Intelligent
17 Design as being a theory that addressed the origin of
18 life?

19 A. Yes.

20 Q. Is that why you were describing it that way here?

21 A. Yes.

22 Q. So in a sense then, this change as proposed seems to
23 reflect the curriculum change. Or was that your goal?

24 A. My goal was simply to look at and change it for the
25 science of it basically. I mean I don't think that I

1 necessarily had the curriculum change in the back of my
2 mind as I was doing this.

3 But my goal was to simply change it, as I said,
4 for the science. I added the definition of a scientific
5 theory and those types of things to it.

6 Q. Okay. If you look back up at the top typewritten
7 paragraph Darwin's Theory of Evolution continues to be
8 the dominant scientific explanation for the origins of a
9 species.

10 At least this statement as incorporated in your
11 changes would have described Darwin's Theory of
12 Evolution as one addressing the origin of species, and
13 Intelligent Design Theory as one addressing the origin
14 of life.

15 Do you see them as properly contrasted in that
16 way?

17 A. Yes, I would say so. I mean if anybody was at the
18 Michael Behe lecture here at the school -- at the School
19 District, he essentially said the same thing. So that
20 there are parts of the Theory of Evolution in the origin
21 of species that he has no problems with. And it is the
22 part of Evolution that deals with the origin of life
23 where his theory comes into play.

24 Q. And, Jen, just so I am understanding you, his reference
25 to the origins of life you understood to mean what part

1 of that process, the microbiological?

2 A. The history of -- yes, how things came to be basically.
3 Again Intelligent Design would say that we see complex
4 things that could not have come through small, little
5 steps like natural selection. They had to have been by
6 an intelligent designer.

7 That to me, is origin of life. Where did life
8 come from?

9 Q. I am understanding you better. So when you look at
10 Evolutionary Theory then, I know how you presented it,
11 but as a biologist, do you consider Evolutionary Theory
12 as not addressing that part of the process of life you
13 have just described, the origins of life forward to
14 species?

15 A. I think that there is a part of it that does, yes. I
16 think that the overall umbrella of Evolutionary Theory,
17 yes, there is a part of it that does address origins of
18 life.

19 Again, what is taught in the biology curriculum
20 here is not -- and we stay away from that issue because
21 that is a controversial issue.

22 Q. And I think I understand this page better now, but this
23 different description of the two theories, Theories of
24 Evolution as addressing origins of species, Intelligent
25 Design theory as addressing origin of life was based on

1 your assessment of the thrust of those theories?

2 A. Sure.

3 Q. Now there is a note there above the first typewritten
4 paragraph. It says scientific explanation. Then above
5 that has handwritten remove by them.

6 What are you getting at there, Jen?

7 A. That was after the final draft was done, which is
8 probably several pages back here, maybe two pages back
9 in that. I was just sort of making notes comparing my
10 version that I sent to what the final version was, the
11 final draft was.

12 Q. Let's look at that, Jen, and just give me a sense for
13 how this unfolded here. The next page is another --

14 A. That is the actual typewritten e-mail that I sent. And
15 the bold is stuff that I had changed.

16 Q. Those changes reflect the handwritten notations we have
17 just discussed?

18 A. Yes. They may not be exact, but this typewritten
19 version is what I e-mailed.

20 Q. We're looking now at the next page in Exhibit 5 which
21 has a handwritten notation 11/5/04 at the top. It's
22 bolded and numbered; right?

23 A. Right.

24 Q. Those changes, you have already talked about right?

25 A. Yes.

1 Q. Then the next page which bears the date 11/15/04 on the
2 bottom left, what is that, Jen?

3 A. I believe that's -- I don't think it is the very final
4 version, but that's the version after I sent mine, what
5 came back as a draft again.

6 Q. If you look at Exhibit 4, the handwritten notes, page
7 three circled in the upper right-hand corner, we have
8 got kind of a timeline you have worked out. I just want
9 to make sure these match.

10 October 28, 2004, presented draft to be read to
11 biology classes written by Mr. Baksa?

12 A. Yes.

13 Q. And that is the document that has 10/28/04 on the top?

14 A. Yes.

15 Q. Look further down Exhibit 4, page three, you will see an
16 entry for November 5th, 2004, Jen sends corrections to
17 draft?

18 A. Yes.

19 Q. Is that the second document we looked at?

20 A. Yes.

21 Q. Which has a date 11/5/04?

22 A. Yes.

23 Q. Now November, if we look again at Exhibit 2, page number
24 three, there is an entry November 15, 2004, Mr. Baksa
25 removed definition of theory from draft?

1 MS. PENNY: Exhibit 2?

2 BY MR. GILLEN:

3 Q. Exhibit 2.

4 A. I think it is Exhibit 4.

5 MR. GILLEN: I am sorry. You are right, Jane.

6 Exhibit 4?

7 BY MR. GILLEN:

8 Q. Right?

9 A. Yes.

10 Q. Is that this third document we have been looking at with
11 the date 11/15/04 noted?

12 A. Yes.

13 Q. The question I have is this, Jen: In Exhibit 4,
14 numbered page three, the entry for November 15th, 2004,
15 says Mr. Baksa removed definition of theory from draft.

16 Now if I look at the document which reflects your
17 changes dated November 5th, '04, I don't see a
18 definition of theory.

19 A. It is in the second paragraph.

20 Q. Okay.

21 A. Mine says because Darwin's Theory is a theory, there is
22 a significant amount of evidence that supports the
23 theory; although, it is still being tested as new
24 evidence is discovered.

25 The version on the 15th says because Darwin's

1 Theory is a theory, it is still being tested as new
2 evidence is discovered. That's the definition of theory
3 that was removed.

4 Q. All right. I just want to make sure I understand what
5 you mean there. In the document dated 11/5/04, where is
6 the definition of theory?

7 A. In the second paragraph.

8 Q. Okay.

9 A. Where it says because Darwin's Theory is a theory --
10 right there is the definition, this is the definition of
11 theory -- there is a significant amount of evidence that
12 supports the theory.

13 Q. Okay. It wasn't clear to me. That's fine. What did
14 you see as the important issues, Jen, that were being
15 worked out here in the competing versions of this
16 statement?

17 I see that you said you were trying to focus on
18 the scientific content of it and make it accurate. Is
19 there anything else?

20 A. No. That that was my goal to -- for the science of it.
21 So it was scientifically for the most part accurate.

22 Q. Do you know, Jen, if there is a further version of that
23 statement?

24 A. Yes. It would be somewhere around November 19th I
25 believe is when the press release was released. That is

1 in this same -- what are we in, 5?

2 Q. Yes. There you have it.

3 A. It is on the -- I only have one page of this. It is
4 double sided. It was on the back of that page. I have
5 it.

6 MS. PENNY: Off the record.

7 (An off-the-record discussion was had.)

8 BY MR. GILLEN:

9 Q. Have we got it now, Jen?

10 A. Yes.

11 Q. You have shown me pages from Exhibit 5 with a
12 handwritten notation handed to us on 11/19/04 by Baksa
13 in the upper left-hand corner; correct?

14 A. Yes.

15 Q. And the second page of that document has four indented
16 paragraphs?

17 A. Yes.

18 Q. As you look at those, Jen, is that the final version of
19 the statement?

20 A. I believe so.

21 Q. Have the documents that we have discussed been
22 precursors to this?

23 A. Yes.

24 Q. There is a definition of theory in that statement, Jen?

25 A. Yes.

1 Q. Do you know where that came from?

2 A. I believe that was through e-mails. Again, when Mr.
3 Baksa sent me this, the last copy that we were talking
4 about, he asked what I thought. I said that you removed
5 the definition of theory. I think it needs to be there.

6 Q. Okay. And did he ask you for a definition or I guess
7 what I am asking is did you provide that definition?

8 A. Yes.

9 Q. Let's flip back to Exhibit 3, the minutes for the
10 November 1st Board meeting. Looking finally at that
11 statement, did you have any objections to that statement
12 when it came out, to the scientific substance of it?

13 A. No. Our objection was the wording at the bottom of the
14 first page where it said in coordination with the
15 Science Department teachers because we felt like that
16 implied that we agreed with Intelligent Design and that
17 type of thing.

18 And that is why the letter that is attached to
19 that was sent -- or behind that was sent.

20 Q. Okay. So you felt -- looking at that document is a
21 portion of Exhibit 5, a page that has November 19, 2004
22 in the upper left-hand corner; correct?

23 A. Yes.

24 Q. Signed by a number of the science teachers and the Union
25 representative?

1 A. Yes.

2 Q. Does that state your basis for objection?

3 A. Yes.

4 Q. And if I understand you right, Jen, it was that you felt
5 that -- you were opposed to the addition of Intelligent
6 Design to the curriculum, but you felt like that press
7 release when it indicated input in the statement tended
8 to make it look like you agreed with the addition of it?

9 A. Yes.

10 Q. Let's look at the minutes for the November 1st Board
11 meeting. Did you attend that meeting?

12 A. Yes.

13 Q. I see you have got some notes that follow those minutes.
14 There are some names listed there Cynthia Corbett, be
15 Bryan Rehm, Michael Arnold. Why are those --

16 A. I believe at that point, they were listed as people that
17 were running for the Board to replace I guess at that
18 point the Browns. I guess it was the Browns and
19 Mr. Wenrich and Jane Cleaver. They were all leaving.
20 The Browns had resigned, and Wenrich and Cleaver were
21 leaving because they moved I believe.

22 Q. Then if you look at the next page of your notes, there
23 is some blocked comment there, we have met with
24 curriculum committee agreed to --

25 A. I don't remember what that is.

1 Q. Didn't complete that thought?

2 A. No.

3 Q. Beneath that, evolution equals?

4 A. I don't know.

5 Q. You are not alone in that. Beneath that, Bonsell, some
6 comments attributed to him. Does that trigger any
7 recollection on your part as to what Mr. Bonsell said at
8 the November 1, 2004 Board meeting?

9 A. Just something to the effect that some parts of the
10 October 18th meeting -- and I think again because of
11 Mr. Buckingham's statements to Mrs. Spahr after she read
12 and some of his other comments to other people as they
13 spoke, we felt that someone should have stood up and
14 said something to squash some of those comments.

15 And so I think -- I don't know if it was a member
16 of the Association or what, but someone communicated
17 that to the administration. So I think he was making
18 the statement that he also was not happy with the last
19 Board meeting. He needed to sort of calm everything
20 down.

21 Q. Just to make sure, I understand that some of the
22 exchanges were not very civil?

23 A. Right.

24 Q. There's some notes here from Noel Wenrich. Noel flipped
25 out. What is that reflecting?

1 A. He yelled -- got up very -- basically was yelling at
2 Mr. Buckingham that he needed to apologize, that he was
3 telling them at the last meeting that he was
4 unpatriotic. He was questioning his patriotism,
5 questioning his religion. And that he needed to
6 apologize.

7 He was told to sit down, and he kept yelling. And
8 he eventually walked out and was yelling the whole time
9 that he was walking out.

10 Q. Walking out of the Board meeting?

11 A. Yes.

12 Q. There is a comment for Snook?

13 A. Yes.

14 Q. Was he just asking about who was donating *Of Pandas*?

15 A. Yes.

16 Q. And then Barrie, is that Barrie Callahan?

17 A. Yes. There's a quote that I had said earlier. That
18 must be the meeting that she addressed that, that she
19 thought the entire book is on origins of life and that
20 is a contradictions if we can't teach origins of life.

21 Q. And the contradictions she is pointing to is between the
22 curriculum note --

23 A. Yes.

24 Q. -- origins of life is not taught and the notion that
25 Intelligent Design addresses?

1 A. Yes.

2 Q. During that exchange, was there any discussion by any of
3 the Board members of we're not asking the teachers to
4 teach it?

5 A. I believe so, yes. I don't remember if it was at this
6 specific meeting, but I remember that being said at
7 Board meetings.

8 Q. Let's just run through the rest of these notations. You
9 have got a notation for Baksa, solicitor's opinions
10 given to the Board?

11 A. I think someone asked -- I guess the previous question
12 -- I guess Barrie asked what was the solicitor's opinion
13 of this addition to the curriculum. And I think at that
14 point Mr. Baksa stood up and said that they were getting
15 the solicitor's opinions, and they were cautionary to
16 the Board.

17 I don't know what that last statement -- and I
18 have a quote that they were being as safe as possible.

19 Q. There's Nilsen, no specific direction to change any
20 wording. Do you recall that?

21 A. That the solicitors had given them no specific direction
22 to change any wording in the curriculum change.

23 Q. Then Barrie, that is Barrie Callahan; right?

24 A. Yes.

25 Q. Listened to tape recording of public record?

1 A. She wanted to listen to the tape recordings of the
2 October 18th meeting.

3 Q. Then there's some notation for Nilsen about the right of
4 the Board to decide if it's public record?

5 A. Yes.

6 Q. And then a notation there that is under Nilsen's name
7 that says other areas to look at, Buckingham, not at
8 this time; do you recall?

9 A. I believe that was Barrie talking again. Dr. Nilsen
10 answered her. And then Barrie spoke again and said now
11 that you changed the biology curriculum, what areas are
12 you going to go after next? What curriculum are you
13 going to go after next? She was addressing that to Mr.
14 Buckingham.

15 And he replied none at this time, or not at this
16 time.

17 Q. Bryan Rehm, anything that he said that jumps out?

18 A. He was reiterating that the behavior at the last meeting
19 was unacceptable. He also asked to hear the tape, and
20 he was sorry that he couldn't hear it.

21 Q. Then there's some comments for Casey Brown.

22 A. I have February there, but that was October. Reconsider
23 the actions taken on the 18th. She hopes that they will
24 reconsider the actions taken on the 18th of October, not
25 February.

1 She thought that students were being ridiculed.

2 It was going to cost taxpayers money. And she wanted to
3 offer a compromise, that they can teach a course in
4 comparative religions, and it could be in that course
5 instead of in the science class. And then I have that
6 quote from her.

7 Q. That quote is thou shall do unto others as you would
8 have them do unto you?

9 A. Yes.

10 Q. What was she getting at there?

11 A. My understanding was that she was telling the Board that
12 you should treat others as you would like to be treated.
13 Stop making some of the comments that you are making,
14 some of the heated comments that were made at previous
15 meetings.

16 Q. You don't think that was tied to the notation above it
17 to the course on comparative religions?

18 A. No, I don't believe so.

19 Q. The next page, there is a reference to cash registers?

20 A. At some point in the meeting, they discussed old out
21 dated cash registers and what they were to do with them.
22 They had asked -- I didn't know his name -- Mr.
23 Bonsell's father something about looking at them, or how
24 much would they get for them at auction.

25 And I just had that he didn't hear because he

1 looked up and said sorry, I was reading my *Outdoor Life*.

2 I just thought it was funny so I included that.

3 Q. It sounds like the Board meetings were scintillating.

4 A. They were very interesting, yes.

5 Q. Let me ask you if you would look at this November 1st

6 Board meeting, was the curriculum -- apart from these

7 comments you have referenced, was the curriculum issue

8 much discussed?

9 A. I don't believe so, no.

10 Q. Do you recall any of the Board members speaking to the

11 curriculum change at the Board meeting?

12 A. Other than here where Noel Wenrich was addressing the

13 previous one and Casey said please reconsider the

14 actions taken on October 18th, I don't remember any, no.

15 Q. Do you remember any reply on the part of any Board

16 members to the comments made by Casey Brown?

17 A. No.

18 Q. Looking at the period between October 18th and this

19 Board meeting on November 1st, did you have -- there has

20 been some discussions or communications relating to this

21 statement.

22 Did you have any communications with Dr. Nilsen

23 relating to this statement?

24 A. I don't believe so. Not until after the press release.

25 Q. Did you have any conversations with Mike Baksa about the

1 Q. Did you ever speak to Don Bonsell about the matter?

2 A. No.

3 Q. It looks like the next minutes relate to December. Let
4 me ask you: When the press release was released by the
5 administration containing the statement, the final
6 version, was there any discussion between the
7 administration and the faculty at that time relating to
8 implementation of the statement?

9 A. I don't believe so. I know that we had discussions of
10 that after the press release was released, but I don't
11 remember any before that.

12 Q. Okay. So tell me what the discussions were after the
13 press release was released.

14 A. We had a meeting I have here the 24th of November. It
15 was in this room where we met with Dr. Nilsen and Mr.
16 Baksa and some Union representatives. I am trying to
17 think who else was there. I know Bill Miller was there
18 and Brad Neal were there as part of the Union
19 representation. I know Rob Eshbach was there, and
20 Bertha Spahr was there.

21 And again, we addressed our concerns. Dr. Nilsen
22 wanted to know basically why we sent him the statement
23 that said that we --

24 Q. Dated November 19, 2004?

25 A. Yes, that we all signed.

1 Q. So there was some discussion of the statement?

2 A. Yes.

3 Q. And I take it -- was there anything apart from --
4 anything communicated by the teachers to the
5 administration apart from what was contained in the
6 statement, itself?

7 A. Written like this?

8 Q. No. In the meeting, what was said?

9 A. Basically, that we have come out negatively against
10 this, and we do not want to be lumped in with -- because
11 at that point, we were getting lots of e-mails that said
12 stand up to the Board. Lots of our colleagues were
13 saying you need to get this Intelligent Design out.

14 We didn't want it said that we were in agreement
15 with the Intelligent Design -- putting Intelligent
16 Design into our curriculum. This is my notes.

17 Dr. Nilsen told us that the purpose of the press
18 release was -- I have he said he was protecting himself
19 and us. Again, I think we reiterated that we wanted
20 someone to stand up and say they support the teachers or
21 something. And I believe he said you have come out
22 negatively against this, and they agreed that we had
23 been nothing but cooperative.

24 And at that point, I know that he gave us a
25 statement that he was going to read on the Gary Sutton

1 Show.

2 Q. Okay. Apart from that -- what are you looking at there?

3 A. It is at the very beginning of Exhibit 5.

4 Q. Thanks. This is meeting on 11/24?

5 A. Yes.

6 Q. Were any of the Board members present?

7 A. No. I don't believe so.

8 Q. And at that time, did you express any reservations about
9 the statement itself?

10 A. I know that I remember Bill Miller, again the
11 representative from the Union, saying that we would like
12 no parts of this. I remember him saying that, I think
13 even holding the statement up. We would like to be as
14 far away from this as possible, or something to that
15 effect.

16 Q. Anything more specific?

17 A. There was a lot of discussion on whether my changes
18 constituted -- there was a lot of words, did that
19 constitute develop the procedure and that kind of thing.
20 It was a lot of, again, upset about the wording of the
21 press release.

22 Q. Are you getting at there your notion that your input was
23 sort of narrow and technical as opposed to implying any
24 endorsement of the curriculum change itself?

25 A. Exactly, right. I can change it does not necessarily

1 mean I agree with it.

2 Q. The second page of Exhibit 5?

3 A. Yes.

4 Q. There's some notes there less is more, keep it short,
5 untrue version of what we said, correcting inaccuracies
6 scientifically of draft supplied. Is that getting at
7 what you just explained?

8 A. Yes. I believe these are Leslie Prall's notes so she
9 must have been at that meeting, too.

10 Q. There is a notation there of a meeting on November 24th.

11 A. She has a.m. meeting and then p.m. meeting. I am not
12 exactly sure. I don't remember what the difference
13 there was.

14 Q. There a protect in class notation there at the bottom,
15 does that spark any memory on your part?

16 A. Again, the only thing I can remember is back to what he
17 was saying -- Dr. Nilsen was saying his purpose of the
18 press release was to protect us. Again, we were saying
19 how we were feeling pressure by being put in the middle
20 here again.

21 Is there a possibility that we could be sued? And
22 I remember that Dr. Nilsen was saying that the purpose
23 of his press release was to try to protect us of what
24 was said in the classroom.

25 Q. Looking at this handwriting, you think it is Leslie

1 A. At this meeting, I believe there was people upset about
2 changes in public comment, that they were going to
3 change the public comment; that it was only going to be
4 for agenda items only. Because obviously, there was a
5 lot of people that wanted to speak to the Intelligent
6 Design issue.

7 So they were making some changes that -- I have
8 there beside public comment, that the public comment
9 before the meeting was only for items on the agenda.
10 And after the meeting, you could make any comment, but
11 you couldn't ask any direct questions of the Board.

12 If you wanted to ask a direct question, you could
13 e-mail them, or call them, and write them down ahead of
14 time, and they would answer them then.

15 Q. So your comments on that page, Jen, are they related to
16 that portion of the discussion?

17 A. Yes, I believe so.

18 Q. Flip over to page six of the minutes.

19 A. (Witness complies.)

20 Q. XIV is Curriculum. Was the Intelligent Design
21 curriculum change discussed at this point in the
22 meeting?

23 A. No.

24 Q. There is a comment, it's a lot of fun, it's not like
25 this. Did Angie Yingling say that?

1 A. Yes.

2 Q. Next page, the public comment section, there's some
3 notes there. I just want to see what you --

4 A. Barrie Callahan, I think she may have been -- she may
5 have been addressing, goodness, the case in Georgia I
6 believe where they had the stickers removed, and she
7 wanted to add her own sticker to the books. And it is
8 above there. I stuck it to my notes when I copied it.
9 She wanted to offer her own stickers.

10 Q. All right. Did she bring that to the attention of the
11 Board?

12 A. Yes, yes.

13 Q. Do you recall any response on the part of the Board
14 members; did they dignify that situation with a
15 response?

16 A. No, no.

17 Q. There is a Larry there. Who is that?

18 A. Larry Snook. He was asking -- he said basically, he
19 couldn't care less about the curriculum. He wanted to
20 know who was going to pay the bills. If there was a
21 legal -- if there was legal issues, who was going to pay
22 the bills? Would the taxpayers pay the legal bills?

23 And we had been cutting field trips. So how can
24 they cut field trips and then pay for legal bills,
25 basically?

1 Q. Then Angie, there is a comment attributed to Angie.
2 What is that?

3 A. I believe at that time, she said that she definitely
4 wanted to revisit the issue of Intelligent Design.

5 Q. Was there any response on the part of the Board to that
6 suggestion?

7 A. I don't believe so because that is why I have question
8 marks there. It was just sort of one statement, and
9 that was it. I was wondering what that meant.

10 Q. When you say wondering what that meant, I mean what are
11 you getting at, Jen?

12 A. When she said revisit the issue, did that mean she
13 wanted to force another vote? What did that mean? Was
14 she going to discuss it at another meeting? I didn't
15 know exactly at that point what that meant.

16 Q. Then there's some comments for Noël Wenrich. What is
17 that all about? Is he speaking as a member of the
18 public at this point?

19 A. Yes. I don't know if those were -- he stood up and
20 asked a question because then I have an arrow there to
21 Sheila Harkins who said that this is not the time for
22 questions. And she had said a couple of times during
23 there, do we need a five-minute break? She had taken a
24 five-minute break before. I think she said that again
25 there, that people were not using proper decorum.

AFTER RECESS

BY MR. GILLEN:

Q. Okay, Jen, let's wrap this up here. A statement has been worked out -- there is some expectation that you are going to read the statement. You said you are going to read that statement in January is when it came up?

A. That is when Evolution would have started, yes.

Q. What was it mid January, January 15th?

A. Sounds about right, yes.

Q. Between the period we just got done with the December 1st Board minutes and January 15th, did you have any discussions with any members of the Board about the curriculum change, its purpose or so on?

A. We were called to a meeting in December, December 16th with Alan Bonsell because he was upset with some -- a teacher comments, staff comments that appeared in some of the newspapers after the District press release.

Q. Just tell me briefly was any other Board member present?

A. No.

Q. What was said at that meeting?

A. Let's see if I have notes.

Q. Do you have notes on that, Jen?

A. Yes, it is -- let me not mix things up. It is in Exhibit 5.

1 Q. Thank you.

2 A. It would be about the third page back.

3 Q. Got you.

4 A. And again, there was some discussion of --

5 Q. Looks like you were looking for some guidance?

6 A. Yes. I went with questions, yes, of how this was going
7 to be handled. What can I discuss, what can't I
8 discuss, who is handing out the books.

9 I know I had a question with the no origins of
10 life being taught. I do current events in my class. I
11 had a student bring in there was a new human fossil
12 found. Is it okay to talk about that kind of thing if a
13 student brings it in as a current event?

14 If no origins of life are to be taught, does that
15 constitute origins of life? That kind of thing.

16 Q. Do you recall receiving a response subsequently?

17 A. Yes. We got -- Mr. Baksa gave us a current event
18 policy, a Board policy on current events.

19 Q. There is a reference in this page of notes which has a
20 date 12/16/04 in the bottom right-hand corner just above
21 a notation my questions at the meeting with Baksa and
22 Bonsell.

23 There is a notation there to Intelligent Design,
24 not a theory. What was that getting at, Jen?

25 A. I think we reiterated with that we didn't believe

1 Intelligent Design was a scientific theory.

2 Q. Was that for the reason you stated earlier about
3 testability?

4 A. Yes.

5 Q. The majority of Board voted Intelligent Design. What
6 does that reflect?

7 A. Just that there was a majority -- I don't know who said
8 or if I said it, or someone said it that the majority of
9 the Board did vote for Intelligent Design. I don't
10 remember specifically.

11 Q. Did you go to the Board with these statements already
12 jotted down, or are they --

13 A. I think that I was thinking of these questions. I went
14 to the meeting with these in hand, yes.

15 Q. You think the asterisk that points to the top of the
16 page were the points you brought in and the notations
17 below were the notations you added?

18 A. Yes.

19 Q. Flip the page over. There's some statements there we
20 cooperated up to the point, and it goes on. Did you
21 make those statements at the meeting, Jen?

22 A. Again, I am a writer so I think that these were my
23 thoughts that I had written down. Prior to the meeting,
24 when I get upset, I tend to write things down, and it
25 makes me feel better if I get them down on paper.

1 So I think that these were just sort of my
2 statements that I had written for myself. I may have
3 said some of them at the meeting.

4 Q. Let me ask you just take a look at them real quick.

5 A. Okay.

6 Q. Do you recall making any of those statements at the
7 meeting?

8 A. I do remember saying -- Mr. Bonsell was saying he was
9 confused by some of the statements in the press because
10 we were coming out against the Board, and he thought
11 that we had been cooperating all along.

12 And I do remember saying that you're right, we
13 cooperated up until the point that you added Intelligent
14 Design into the curriculum. And then, you know, we
15 didn't agree with that. Our cooperation at that point
16 stopped. So I do remember saying that.

17 I know that it was told at that meeting that we
18 don't think the words Intelligent Design should be in
19 our curriculum.

20 Q. There's some comments here that Intelligent Design
21 doesn't belong in a science classroom. Did you express
22 that thought during the meeting?

23 A. I don't remember specifically, but again, it had been
24 relayed that we didn't think it was a science.

25 Q. Do you recall Mr. Bonsell responding to any of your

1 observations?

2 A. The one thing I remember at the end of that meeting is
3 that there was a suggestion that there were so many
4 people talking to the press, that maybe we all make some
5 sort of community statement, the Board, the
6 administration, the staff to the press. But I think in
7 the end, we decided against that statement.

8 I remember in that meeting, again, there was the
9 question of did we cooperate, did we develop the
10 statement. And I remember him directing -- asking me
11 specifically didn't you change parts of this.

12 And again, we explained the position that we
13 changed it for the science. Other than that, I don't.

14 Q. Do you recall anything else? Any exchanges between
15 Mr. Bonsell and your colleagues?

16 A. No. I don't -- I don't remember in particular. No, not
17 anything specific.

18 Q. Okay. Was there administration present?

19 A. Yes. Mr. Baksa was there.

20 Q. Any exchanges between the science faculty and Mr. Baksa
21 bearing on the curriculum change or the statement?

22 A. I am sure we discussed things, but I don't remember in
23 particular.

24 Q. There's a notion in here that Intelligent Design has
25 religious content. Is anyone bringing up the idea that

1 you are doing this to teach religion?

2 A. I don't believe at this meeting, no. I mean at those
3 previous meetings where I said that Mrs. Spahr had
4 brought her court cases. I think that was brought up
5 then. But probably not any more at this point.

6 Q. When Mrs. Spahr is bringing up these court cases and she
7 sees it as Intelligent Design, as Creationism, is she
8 sort of telling -- attributing to the Board the purpose
9 of teaching religion? Is that the way she sees it, or
10 does she think that the theory is a religious theory
11 whether they know it or not?

12 A. I would say more so the second one.

13 Q. She sees it as religious theory, and she is trying to
14 make that clear to them?

15 A. Yes.

16 Q. You said this before, but I just want to make sure I
17 understand you. Did you get the sense that they thought
18 it was a scientific theory?

19 A. Early on, I would say that I don't think that topic came
20 up a whole lot. Probably by this point, they were
21 saying it was a science, yes.

22 Q. Apart from this meeting with Mr. Bonsell, did you have
23 any other conversations with any Board members in
24 December or January of -- December of 2004, January of
25 2005 about the curriculum change?